

DISTRICT COURT (THIRD DISTRICT: SALT LAKE COUNTY) [1688]

WILLS, 1869-[ongoing]

DESCRIPTION: Legislators at the second Utah Territorial Legislative Assembly organized probate courts in each of Utah's counties and endowed these courts with the right to exercise jurisdiction in the probate of wills and the administration of estates of deceased persons (*Laws of Utah*, Chapter 42, 1852). The assembly clarified the manner in which estates should be settled. By law any person of full age and of sound mind could dispose of all of his property by will, with the exception that sufficient first be withheld to pay any outstanding debts. The signatures of two competent witnesses in addition to the testator validated a completed will. The law provided that wills could be sealed and deposited with the clerk of the probate court where they would be preserved until the death of the testator. Otherwise, any person having custody of a will could bring it into the court at the death of the testator. The law stated that if the court allowed and attested the will, it should be carried into effect (*Compiled Laws of Utah*, 1876, Title 14, chapter 1, sections 1-6).

Each will follows a similar format. It states that the testator meets the requirement of being of sound mind and legal age. It names who the testator desires to be the executor of his estate. It enumerates the testator's property and designates whom he wishes to inherit each item.

ARRANGEMENT: Wills are arranged sequentially by probate case number.

RESEARCH NOTE: Many persons died intestate, or without leaving a will. These cases are not represented in this series. Early wills in this series were originally part of probate case files (series 1621). However, at some point the court began separating wills from the probate case files. Someone subsequently went through the case files to remove previously filed wills and file them separately. In 1978 the two files were microfilmed separately. In 2002-2003 the

first 922 cases were microfilmed a second time and with this filming all wills were returned to the appropriate case files before filming. Some early wills appear both in this series and in the relevant case file (series 1621). If wills were overlooked in the process of retrieving them for the files, they remain with the remainder of the case as originally filed.

Some reels contain retakes of cases that were microfilmed unsatisfactorily or were missing at the time of filming. Retakes are spliced at the ends of reels, so if a case does not appear in sequence, check for retakes at the end of the reel. Retakes for cases filed 1964-1969 are at the beginning of the reel. All probate case files and associated wills filed since 1 January 1970 remain in the custody of Third District Court: Salt Lake County.

RELATED RECORDS: Wills included in this series correspond with PROBATE CASE FILES, series 1621. Third district court created a PROBATE RECORDS INDEX, series 17611, which indexes probate case files, and also this series. ESTATE REGISTERS, series 3927, provide a list of all actions taken in each case. Registers can be consulted to determine whether or not a will was included in a particular probate case.

CUSTODY HISTORY: The Salt Lake County Probate Court initially had jurisdiction in the probate of estates and began keeping and numbering probate case files. At statehood, county probate courts were abolished and jurisdiction for the probate of estates in Salt Lake County passed to Third District Court: Salt Lake County.

PROCESSING NOTE: Paper copies of case files, including separately filed wills, have been retained for the territorial period (1852-1900). Probate case files and wills filed after statehood have been or will be microfilmed and destroyed. Wills filed up to 1963 were microfilmed by Salt Lake County in 1975. Microfilming of wills 1964-1969 is pending. Third District wills were processed by Rosemary Cundiff in 2003 in conjunction with completion of processing probate case files.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Box	Folder	Description
1	n/a	n/a	147-911
1	1	1	930
1	1	2	936
1	1	3	938
1	1	4	942
1	1	5	943

Reel	Box	Folder	Description
1	1	6	945
1	1	7	948
1	1	8	952
1	1	9	961
1	1	10	970
1	1	11	1011
1	1	12	1026
1	1	13	1027
1	1	14	1030
1	1	15	1083
1	1	16	1084
1	1	17	1091
1	1	18	1120
1	1	19	1121
1	1	20	1128
1	1	21	1155
1	1	22	1157
1	1	23	1168
1	1	24	1169
1	1	25	1174
1	1	26	1191
1	1	27	1192
1	1	28	1128
1	1	29	1202
1	1	30	1215
1	1	31	1222
1	1	32	1226
1	1	33	1258
1	1	34	1271
1	1	35	1283
1	1	36	1314
1	1	37	1216
1	1	38	1338
1	1	39	1339
1	1	40	1340
1	1	41	1353
1	1	42	1355
1	1	43	1358
1	1	44	1363
1	1	45	1377
1	1	46	1379
1	1	47	1392
1	1	48	1403
1	1	49	1418
1	1	50	1423
1	1	51	1447
1	1	52	1450
1	1	53	1486

Reel	Box	Folder	Description
1	1	54	1489
1	1	55	1496 (microfilmed as 1469)
1	1	56	1517
1	1	57	1520
1	1	58	1526
1	1	59	1591
1	1	60	1639
1	1	61	1650
1	1	62	1659
1	1	63	1740
1	1	64	2175
1	1	65	1788
1	1	66	1846
1	1	67	1871
1	1	68	1882
1	1	69	1911
1	1	70	1932
1	1	71	1939
1	1	72	2118
1	1	73	2180
1	1	74	2187
1	1	75	2223
1	1	76	2244
1	1	77	2418
1	1	78	2466
1	1	79	2506
1	1	80	2561
1	1	81	2578
1	1	82	2611
1	1	83	2633
1	1	84	2670
1	1	85	2750
1	1	86	2938
1	1	87	2940
1	1	88	2965
1	1	89	3007
1	1	90	3042
1	n/a	n/a	3078-4043
2	n/a	n/a	4056-4924
3	n/a	n/a	4926-6080
4	n/a	n/a	6081-7153
5	n/a	n/a	7164-8384
6	n/a	n/a	8400-9842
7	n/a	n/a	9844-10987
8	n/a	n/a	10990-12049
9	n/a	n/a	12051-13354
10	n/a	n/a	13369-14510
11	n/a	n/a	14512-15652

Reel	Box	Folder	Description
12	n/a	n/a	15666-16847
13	n/a	n/a	16853-17927
14	n/a	n/a	17940-19444
15	n/a	n/a	19452-20865
16	n/a	n/a	20868-22152
17	n/a	n/a	22166-23371
18	n/a	n/a	23373-24433
19	n/a	n/a	24439-26122
20	n/a	n/a	26123-28415
21	n/a	n/a	28419-30673
22	n/a	n/a	30680-32133
23	n/a	n/a	32144-34131
24	n/a	n/a	34133-35924
25	n/a	n/a	35929-37534
26	n/a	n/a	37586-38786
27	n/a	n/a	38804-40265
28	n/a	n/a	40266-41542
29	n/a	n/a	41545-42596
30	n/a	n/a	42600-43761
31	n/a	n/a	43768-44996
32	n/a	n/a	45008-46308
33	n/a	n/a	46313-47535
34	n/a	n/a	47537-48038
pending	n/a	n/a	48044-56582